Snow or rain; warmer.

THEY'RE ALL RIGHT

THE PANTS THE PRICES

The essentials-everything required in such a bargain, in fact-fully covered.

Men's Pants made to sell at \$5, \$6 and \$7, \$3.88; those made to sell for \$4 and \$4.50. for \$2.68, while \$1.98 gets a \$3 and \$3.50 quality. Men's fine Pants—the \$7 and \$8 kind—that cost you \$10 to \$15 made to order, \$4.97.

Boys' Long Pants-prices cut the same way. Boys' Knee Pants, 97c for the \$1.50 and \$2 values.

THE WHEN

See that window full of Pants.

MEN'S FIRST QUALITY "NON-SNAG"

RUBBER BOOTS

\$2.40 Per Pair

Net 30 Days. No punched Goods. All made for us.

Mckee & CO., Indianapolis

Insurance Company,

BROOKLYN, N. Y.

STATEMENT JANUARY 1, 1895.

ASSETS.

United States Bonds, New York City Bonds, Market Value. 3,782,345.00 Bank, Railroad and other Stock and Bonds, 126,050.00

Interest and Rents due and accrued..... Premiums in course of collection (Net)..... Real Estate (Market Value).....

505,320.48 399,000 00 \$5,350,275.93

LIABILITIES. Cash Capital.....\$1,000,000.00 Reserve Fund for Unearned Premiums 3,627,392.90

15,205.88

Net Surplus 406,359.58

ASK FOR IT

The great HEALER. Potter's concentrated WITCH HAZEL JELLY. In tubes. Price 25 cents. Drug gists. Prepared by PATTER, Pharmacist, corne Pennsylvania and North streets.

A. R. U. MEN ON TRIAL

HEARING OF THE CONSPIRACY CASES

BEGUN AT CHICAGO.

Eugene V. Debs Pleased with Jail

Life, and Glad to Have the Chance

to Pose as a Martyr.

CHICAGO, Jan. 24.-The trial of the Debs

conspiracy cases which was to have begun

at 10 o'clock to-day was postponed until 2

o'clock, the prospective jurymen being dis-

missed until then. Debs and his seven asso-

ciates were brought from the Woodstock

jail and taken to the United States court

room, where they were formally released on

bail. The prisoners did not appear to have

been seriously affected by their confinement.

All expressed themselves as having enjoyed

their jail life exceedingly. Debs said that

he and the other American Railway Union

officials felt that they had been performing

a sacred duty, and did not regret the im-

prisonment in the least. He declared that

he excused the speech made regarding

strikes recently by General Fairchild, of

Wisconsin, on account of the great age of

When court convened at 2 o'clock the de-

fendants, with a large number of witnesses

and veniremen were present and the conspir-

acy trial was begun. The trial to-day was

on the indictment found against the railroad

strikers of last summer by the grand jury

and which is known as the emnibus indict-

ment. There were originally sixty-nine per-

sons named in the omnibus indictment for

conspiracy to obstruct the United States

mail. On Jan. 4 and again on Jan. 20 gov-

ernment counsel entered a noile prosse as

to a number of persons indicted, leaving

Nine jurors were placed in the custody

of United States Marshal Arnold this even-

ing by Judge Grosscup at the adjournment

of court. They were accepted by the coun-

sel for the government, but were not ac-

cepted by the counsel for the defendants

who will pass upon them to-morrow morn-

ing at the opening of court. At the open-

ing of the case Attorney Gregory for the defense objected to the presence of Edwin Walker as a government counsel on the ground that "he is an attorney paid an annual salary by the Milwaukee & St. Paul railroad, on which railroad some of the acts

named in the conspiracy indictment are said

Mr. Walker said in reply: "Part of the statement is true; part of it is untrue."

Judge Grosscup interposing said: "The counsel for the government, I presume is appointed by the Department of Justice and the court has nothing to do in the

Mr. Gregory insisted that Mr. Walker be sworn and interrogated as to what part of the statement is true and what part false.

The court responded: "I do not see how the court can control the matter and as the matter is brought to the attention of the court the motion is overruled."

the court the motion is overruled."

Mr. Gregory announced that he would except to the ruling of the court. The cail of the jury was then begun. It is believed a jury will be secured to-morrow.

RED BANK, N. J., Jan. 24.—Johnson, Moshler and Davidson broke some world

records this morning, skating with the wind. They were as follows: Davidson 220 yards, standing start, 0:164-5; Johnson, standing

start, one quarter of a mile, 0:29 3-5; Moshier, flying start, 220 yards, 0:15 2-5. These are not official records.

Indian Gambling Game

TACOMA, Wash., Jan. 24.—The Puyaliup and Black river Indian tribes are participating here in the first great gambling

the number at present forty-five.

the speaker.

NEW YORK OFFICE, 47 CEDAR STREET.

THE SHORT DIRECT LINE TO

CINCINNATI

Running into the Central Union Station making direct connection with the Chesa-peake & Ohio, Baltimore & Ohio, Queen & Crescent and Louisville & Nashville for all points East, Southeast and South

WITHOUT TRANSFER. 6-PASSENGER TRAINS-6

Each way run as follows: Leave Indianapolls *3:45 a. m., *4.10 a. m., 7:95 a. m.,
11 a. m., *3 p. m., 6:35 p. m. Arrive Cincinnati 7:15 a. m., 7:30 a. m., 11:10 a. m.,
3:15 p. m., 6:10 p. m., 10:30 p. m. Leave
Cincinnati 6 a. m., *8:30 a. m., 12:45 p. m.,
3:15 p. m., *8 p. m., *8:30 p. m. Arrive Indianapolis 10:15 a. m., 11:40 a. m., 4:45 p. m.,
7:15 p. m., 11:10 p. m., 12:01 night.
*Indicates daily.
Buffet sleeping cars on *3:45 and *4:10 a.

Buffet sleeping cars on *3:45 and *4:10 a. m. trains from Indianapolis and *8 p. m. and *8:30 p. m. trains from Cincinnati. Buffet parlor cars on *3 p. m. train from Indianapolis and *8:30 a. m. train from Cincinnati. Through Sleeper for Washington, D. C. on *3 p. m. from Indianapolis. For tickets and full information call at Big Four offices, No. 1 East Washington, 36 Jackson place and Union Station. H. M. BRONSON, A. G. P. A.

Best Line To CINCINNAT

DAYTON, TOLEDO AND DETROIT.

No. 35 Cincinnati Vestibule, daily. 3:40 am
No. 31 Cincinnati Fast Line, daily. 5:00 am
No. 37 Cin., Dayton, Toledo and Detroit Express, daily, xcept Sanday. 10:50 am
No. 33 Cin and Dayton Vestibule, daily. 1:00 pm
No. 39 Cin., Dayton, Toledo and Detroit Express, daily, except Sanday. 6:30 pm
No. 36 10:30 am: No. 32 0:15 am: No. 30

No. 36, 12:30 am; No. 32, 0:15 am; No. 30, 11:45 am No. 38, 7:30 pm; No. 34, 10:55 pm.

For further information call at No. 2 West Washington street. Union Station or No. 134 South Illinois street.

J. D. BALDWIN, D. P. A.

MONON ROUTE (Louisville, New Albany & Chicago Ry Co., THE SHORT LINE TO

CHICAGO THE VESTIBULE PULLMAN CAR LINE LEAVE INDIANA: OLIS. 0-Chicago Limited, Pullman Vesti-d Coaches, Parlor and Dining Cars,

6 Chicago Night Express, Pullman 6 Chicago Night Express, Pullman stibuled Coaches and Sicepers, daily 12:35 a. m. 7:40 a. m. ARRIVE AT INDIANAPOLIS.

33-Vestibule, daily.

35-Vestibule, daily.

9-Monon Accommodation, daily, accept Sunday. 3:55 p. m. 3:25 a. m. 11:20 a. m.

Pullman Vestibule Sleeper for Chicago stands at west end Union Station, and can be taken at 8:30 p. m., daily. For further information call at Ticket Office. No. 2 West Washington street, Union Station and Mass-I. D. BALDWIN, D. P. A.

The Indianapolis Warehouse Company WAREHOUSEMEN, FORWARDING AND COMMISSION MERCHANTS. Money advanced on consignments. Registered to ceipts given. Nos. 265 to 273 SOUTH PENNSYL VANIA STREET. Telephone 1343.

DRS. COUGHLIN & WILSON. DENTISTS. Crown and Bridge Workers. Fine Artificial Painless Extracting with Cocaine, Gas or of Air. Ladies entrance (ground floor), Deni-

ACME MILLING COMPANY, Mc West Washington Street.

game that has occurred for over three years. The game has been in progress for eighteen days and is apparently but half finished. Each side had a certain number of chips, which are hidden, the opposite side guessing where the odd chip is. The Puyallups are ahead on the score. Several hundred spectators are present. The squaws dance all night. The braves on both sides are betting heavily on the result, staking money, horses, cattle and blankets.

SPEECH BY BYNUM. Our Congressman's Views on the

Great Commercial Depression.

BALTIMORE, Md., Jan. 24.-The fifteenth annual banquet of the Merchants' and Manufacturers' Association, the most influential commercial organization of the South, was gvien at the Hotel Rennert to-night. It was very largely attended, and among the public men present as guests were Governor Frank Brown, Mayor F. C. Latrobe, Congressmen Springer of Illinois, Boutelle of Maine, Bynum of Indiana, Dolliver of Iowa, Covert of New York, Tucker of Virginia, Rusk and Coffin

The principal speech of the evening was delivered by Mr. Bynum. He spoke on "The Great Commercial Depression," the cause of which was variously ascribed by various people and interests. After a resume of three different views, he said: "If we are to enjoy sound prosperity our great interest, especially labor and capital, instead of preying on each other, must travel along the highway of progress arm in arm as companions, assisting and supporting each other. He believed the chief cause of the depression to have been the effort of the producer to bind the consumer. The country had fostered production at the expense of consumption. The stagnation was due more to the inability of consumers to make needed purchases than to any other cause. Neither treaties of reciprocity nor retallatory measures would appreciably benefit us. Until we return to sound and just principles in economics, the revival of trade and the restoration of prosperity will only be spasmodic." "The Great Commercial Depression," the

NEW YORK BALL CLUB.

Controlling Interest, 1,200 Shares, Transferred to Andrew Freedman.

NEW YORK, Jan. 24.-Andrew Freedman is now in control of the New York Baseball Club, and is a full-fledged magnate. The sale of the controlling interest in the club was consummated to-day in the office of Treasurer Talcott. Mr. Freedman received a certificate of 1,200 shares of stock in the club and passed Mr. Talcott the check covering the amount of the sale. Just what amount the check represented, the gentlemen interested refuse to state, but a fair estimate is that the stock averaged about \$45 per share, which would make the amount of the check \$54,000. The controlling interest represents 1,191 shares, so the new owner has nine shares over the necessary number. The new owner's first official act was a long interview with Manager Coornel. was a long interview with Manager George Davis, at which the future plans of the club were fully discussed. Davis will have full control

Mr. Davis has given up the idea of taking the Giants to New Orleans for spring prac-tice, and has decided to go either to San-ford, Fla., or Sumter, S. C. The former place will probably be selected. The team will leave here for the South the last week in February. The old stockhoiders from whom Mr. Freedman obtained his stock are E. A. McAlpin, E. B. Talcott, F. B. Robinson, C. Vancott and J. W. Spaulding.

MUST BE PAID.

Missouri Insurance Law in the Case of Policy Holders Who Commit Suicide.

KANSAS CITY, Mo., Jan. 24.-According to a decision rendered in an insurance case in the Circuit Court here to-day an accident policy is collectable in case of suicide by the holder. The case is that of Mrs. Mary A. Logan against the Fidelity and Casualty Company of New York, to collect \$2,500 on an accident policy held by her son, who committed suicide in 1893. Mrs. Logan's lawyers pointed out the Missouri lawyers pointed out the Missouri statutes which provide that life insprance must be paid on the death of the insured, no matter what the cause of death. The company's lawyers argued that this law applied only to straight life insurance, not to accident insurance. Judge Scarritt decided that the law applied to all classes of life insurance and ordered a verdict returned against the company.

KILLED HIS COMPANION.

Quick-Tempered Boy Stabbed Friend During a Scuffle.

Special to the Indianapolis Journal DANVILLE, Ill., Jan. 24.-Lee Dukes. aged fourteen, killed Charley Day, aged sixteen, last evening, by stabbing him in the intestines with a pocketknife. The boys are neighbors and attend the Grant schoolhouse, in the western part of the county, On their way home from school they began scuffling. Dukes was getting the worst of it. He became enraged and drew his knife. The affair happened a quarter of a mile from Day's house. After being stabbed he walked home, where he died within an hour. Coroner Taylor is holding an inquest this evening. Dukes is at home, an attempt has been made to arrest him.

OIL MEN PROTEST. They Object to a Pipe Line Measure

BUTLER, Pa., Jan. 24.-The independent oil producers from the oil regions of Pennsylvania, New York, Ohio and West Virginia met here to-day with large representations from the several sections. The present outlook of the oil situation was thoroughly discussed and measures taken to place the industry on a solid basis. It

and the Pooling Bill.

was decided to form a company to be capitalized at \$1,000,000, to help out the refiners, who claim to have been doing business at a loss for a year or more. As a starter for the new company, \$50,000 was subscribed on the spot, with assurances of enough more to assure its success. Senator J. W. Lee, of Pittsburg, was chairman of the meeting, with A. D. Wood, of Warren; V. K. Phillips, of Butler; H. W. Breckinridge, of New York, and David Kirk, of Pittsburg, as vice presidents. Rousing addresses were made by Senator Lee, N. S. King, of New York, Senator Empry, of Bradford, David made by Senator Lee, N. S. King, of New York; Senator Emory, of Bradford, David Kirk and A. C. Culven.

Resolutions were adopted earnestly testing against the passage of the Marshall pipe-line bill, now before the Pennsylvania Legislature, which would repeal the act prohibiting the consolidation of pipe lines and against the pooling bill, recently passed by the House of Representatives at Wash-ington, and now in the Senate, Congressmen of the three States are called on to use every honorable means for the defeat of this bill. The meeting was voted a big suc-

No More Pipe Line Certificates. PITTSBURG, Jan. 24.-The Standard Oil Company has announced another move which more effectually closes up the oil exchanges. Hereafter it will issue no pipeline certificates, and hence it will not be many weeks when there will be cates on which to speculate. The total amount of oil in existence now represented by National Transit certificates does not exceed 500,000 barrels, or less than the production of the country for one week. The Standard will gather up these certificates as fast as they can get them, and when all have been taken up there will be no bus-

iness left for the exchanges.

Custom Foremen Tailors. ST. LOUIS, Mo., Jan. 24.—The Custom Foremen Tailors' Association of America continued its convention to-day and will continued its convention to-day and will finally adjourn on Friday. It was decided that when the convention adjourns it is to meet in Chicago on the first Monday in February, 1896. Among other routine business transacted was the presentation of reports and the election of officers for the ensuing year, as follows: President, R. L. Biskup. St. Louis; first vice-president, John E. Pettz, Richmond, Ind.; second vice-president, H. E. Parker, jr.; recording secretary, J. A. Caristrom; corresponding secretary. J. A. Carlstrom; corresponding secretary, C. J. Seils; financial secretary and treasurer, G. H. Huntoon, Jacksonville, Ill.; manager of employment bureau, A. R. Madison. Vacancies existing in the board of trustees were also filled.

BROOKLYN'S RAILWAY COMPANIES RESUMING OPERATIONS.

Yesterday All the Lines Were Running Street Cars, and a Number Had Nearly Their Full Quota.

DECISION OF IMPORTANCE

APPLICATION FOR A MANDAMUS GRANTED BY JUSTICE GAYNOR.

He Holds that Corporations with Pub-He Franchises Must Run Their Business at Whatever Cost.

THE PEOPLE MUST BE SERVED

CARS CANNOT BE STOPPED FOR AN HOUR UNDER HIS RULING.

Further Argument on the Nature of the Mandamus to Be Heard To-Day -The Usual List of Riots.

by surface indications, the strike of electric street railways is near its end. The peace of the city is not fully restored, and it will not be so long as the late employes of the traction companies have hope of forcing themselves back into the positions they held twelve days ago. To these men there was a ray of light in the decision handed down today by Justice Gaynor, of the Supreme Court of Queens county, in the matter of the application of Joseph Loader, a shopkeeper, for a writ of mandamus to compel the Brooklyn Heights Railway Company to operate its lines in a manner to meet the requirements of the public. In the opinion of Justice Gaynor the corporation is held to be in default of its obligations to the public incurred by the acceptance of a franchise for a specific purpose; it is placed under the imputation of having more regard for the profits of shareholders than for the convenience of citizens, and it is declared to be the company's duty to man its cars at whatever expense may be necessary. At 10 o'clock to-morrow the court will hear counsel on the question whether the writ shall be peremptory or alternative, or, in other words, whether the company shall be required to engage a full complement of operatives forthwith, regardless of the questions of wages and hours of labor, or whether it shall be directed to do the best it can under the circumstances. To make the writ alternative, it will be seen, will be to leave affairs practically as they are. Should it be made mandatory an appeal will be taken by the defendant company, and it is to be expected that some judge will be found who will suspend the writ until the appeal can be heard.

won is fabian in character. Instances of violence towards the new men have been frequent, and quite a number of arrests were made during the day of men guilty of assaults. Several wire cutters also fell into the hands of the police, and it is a notable fact that they were strikers. Long stretches of wire have been carried away in some localities and a general disposition shown to injure the property of the street-railway companies as much as possible. The fixing of the blame of this on the strikers costs them dear in the way of public sympathy.

With these facts in view it may be

said that the victory the strikers have

Traffic is not yet continued through the night, as it was before the strike. early as 6 o'cleck, but on others they continued to make their trips as late as 10 o'clock. The streets generally present an aspect of tranquility, and the theaters, which have felt the effects of the tie-up perhaps as severely as any of the business concerns in the city, are to-night enjoying a meas-

urable return of prosperity. The report is current that the First Brigade, composed of the New York city regiments, is to be relieved from duty either to-morrow or Saturday. No verification of the rumor can be had.

ACTS OF LAWLESSNESS.

Doings of Rioters Yesterday-Some Prodded with Bayonets.

BROOKLYN, Jan. 24.-Good success attended the efforts of the electric railway companies to resume traffic to-day, and although there were many minor disturbances, no serious conflict between mobs and the authorities occurred. The fiftytwo eligible men on the fire department civil-service list, who had been appointed special policemen in this emergency, deserted in a body last night. They complained of the food furnished them, as well as the method by which it was given them. and because there was no improvement at breakfast time they resigned. By this they forfeit not only their standing on the eligible list, but the right to re-examination for another twelve months.

The police claim that all the mischief that is being done to the trolley wires is by strikers. Captain Gorman accordingly tective duty. Kloppman's Hotel, opposite the Church of St. Francis de Sales, was known to be a popular resort with the road men, and is situated about midway in the section where all the wire cutting has been done on the suburban line during the past two or three days and nights. The officers, in citizen's dress, put up at the suspected hotel, and, sure enough, about 2 o'clock, a number of the customers. who had not been drinking much, "left for home," leaving almost as many in the saloon. Soon after the officers, but not all fogether, also went the same way, and caught the fellows in the act of cutting the wires. William Magrath, a conductor on the Broadway line, was so hadly battered before he would surrender that the ambulance was necessary to take him to the station house. Motorman Lyman, from Fulton-avenue line, was also arrested.

As the Mrytle-avenue line was being opened up this morning an old German woman was washing the front windows of her flat. The soldiers on duty saw her at work and called to her to go in. She did !

not understand or disregarded their com-mands, and went on with her work. One of the men fired his musket in her direction. A nearby window was broken by the bul-let. The old woman leaped into the room and closed the window.

Matters were comparatively quiet on the Third and Fifth-avenue roads to-day. The wires between Sixtleth and Sixty-fifth streets were cut after midnight and, as a consequence, the electric lights in the depot went out, leaving Captain Thorne and his detachment of the Twenty-third Regiment in darkness. The wires were not repaired until 19 o'clock, when traffic was resumed and at midday sixteen cars were running, as against twenty yesterday. The foreman said he was unable to operate a greater number, as some of the new men had been transferred to Greenpoint.

During the night and early morning the full strength of the Twenty-third Regiment, with the exception of Companies F, G and K, was placed on duty along the road to Flatbush avenue.

ENCOUNTER WITH A MOB. At II o'clock the police on duty at Twenty-fifth street and Third avenue had a lively time putting an end to a riot which had broke out there. About seven hundred persons collected at this point and jeered the soldiers who were under arms there. The mob continued increasing until noon, when a stone was hurled by one of the crowd, striking a policeman. This was followed by several others and then the police and militia charged. The mob rushed along the avenue and into the side streets. Many of them received bayonet thrusts from the militiamen, while the clubs of the policemen were used with telling effect on the heads of the rioters. The police arrested John Tigh, Charles Burke and Stephen Gannon. When conveying them to the station the When conveying them to the station, the crowd attacked them and endeavored to rescue the prisoners. After a desperate conflict, during which more stones were thrown and blows struck on both sides, the three stone-throwers were locked up.

At Twentieth street and Ninth avenue the strikers, during last night cut down the at I wentieth street and Ninth avenue the strikers, during last night, cut down the feed wires, return wires and support wires as far as Flatbush avenue, a distance of over a mile. The feed wire in Twentieth street, between Seventh and Eighth avenues, was also destroyed. The wires at Fifteenth street and Second avenue were cut down early in the morning. A number of trolley cars standing at Ninth avenue, near Greenwood Cemetery were wreeked. BROOKLYN, N. Y., Jan. 24.-Judging near Greenwood Cemetery, were wrecked and rendered unfit for use.

and rendered unfit for use.

The most serious attempt to prevent the running of cars over the Third-avenue line was made at Sixty-fifth street and Third avenue, where a plot to burn out the dynamos in the depot was nearly successful. It was evidently the work of skilled electricians. The wires were cut and guy ropes were attached to them, by which they were drawn down and grounded on to the posts of the elevated railroad. The scheme was, however, discovered in time to frustrate however, discovered in time to frustrate

The linemen on all the Atlantic lines struck work. This fact and the lack of passengers prevented the management from running the Seventh and Ninth avenues and he Fifteenth-street cars at all to-day. The militia in the various depots expressed themselves as fairly well satisfied with their treatment, but appeared desirous that the strike should soon terminate and allow them to return to their homes.

A CAR RUNS WILD. At Thirtieth and Fifth avenue two men, about whom was a crowd of men, halled a Fifth-avenue car and when it stopped they under their shawis the conductor and motorman to stop work. The men leaped from the car and left the invaders in possession. One of the crowd then started the car, jumping off before it had gained much headway. When the car passed the stables at Twenty-fourth street it was traveling at a high rate of speed. One of the men standing there noticed that the car was running wild and jumped aboard the rear platform and soon had it at a standstill. Another gang of strikers attempted to pull the motorman off his platform, but he fought them off. He was very roughly treated in the scrimmage and had his jaw more than half the linemen have re-

garded the order to strike. Thomas Kearney, the roofer who was shot on a house top by a militiaman in Hicks street yesterday, died to-day. Colonel ustin, of the Thirteenth regiment, said in reference to the shooting that it was jerfectly justifiable as the mob at the time was throwing missiles at the militia. Sergeant and Adjutant Broom had been Schriver severely injured. In future, however, he should instruct his command not to shoot when a person refused to halt, but to piace him under arrest. He had sent pickets to houses along Hicks street to warn the residents to stay within doors and keep their windows closed. They had gone to the roofs of the houses and removed piles of bricks which had been gathered there with the evident intent of using them as missiles in pelting the militia and the cars. President Norton, of the Atlantic-avenue ompany, says that so far as his sines are concerned, the strike is at an end, for he has all the motormen and conductors for whom there are places. There has, however, been some inconvenience on the lines lantic linemen are at work as usual A new device to impede the operation of the railways was adopted at Bergen street and Troy avenue on the Atlantic-avenue

where switches were cemented during the night. New employes go about outside of the militia line at their peril. One who dis-guised himself in an old army coat was spotted by the strikers and badly beaten. Ten experienced trolley men who had been brought here from Pittsburg yesterday by deserted the Flatbush cars in which they were in charge in a body this afternoon Driggs and Manhattan avenues and the adjacent streets, and were brought to the strikers' headquarters at Mugges Hall at 10 o'clock this evening. Altogether twenty-on-men arrived from Pittsburg and five stellaway from the stables last night undetected and ten of the remainder, as soon as they got a chance to-day did likewise.

STORY TOLD BY DESERTERS.

The story told by the ten is decidedly interesting. They were engaged, along with the rest of the twenty-one in Pitisburg by J. C. Kincaid. They are all experienced, having been employed there by the Manchester Traction Company. Kincaid assured them that there was no trouble whatever, and gave them to understand that the strike had been settled amicably. They were guaranteed \$2 for a day of ten hours work, their fare to New York \$10.50, being paid by the company. Their pay was to date from their arrival here. The first part of the bargain, they allege was carried out, but although they have been here since yesterday morning they have not received a cent. They were taken to the Hulsey street stables, where the presence of the militia and the general aspect speedily gave them an idea of the actual situation. They asserted that they did not want to fill the strikers' places, but they were carefully guarded and could not get away. They were taken to-day to the Flatbush stables. Here they were given cars to run out. They acted as though apparently satisfied, but no sooner had they arrived at a safe distance, than the leader jumped off his car and nine motormen followed. The cars were abandoned. Policemen were seen later on tow-ing the cars homeward. The Pittsburg men are all married and say they are going back to that city as soon as possible At Brooklyn Heights railroad depot, at Ninth avenue and Twentieth street, nothing has been done to repair the wires which were cut by the wholesale last night, and no attempt was made to run cars to-day. A strong outside guard is maintained to-night, so that the destruction of outside property, which was so disastrous last night, cannot be repeated. Cars on the Flatbush line were run until 10:30 to-night. Companies B and I, of the Forty-seventh Regiment, did picket duty along the whole line, and consequently assault was made upon the cars. This is the first line on which cars have been run after 8 o'clock since the str'ke. From the Twenty-fifth-street depot thirty cars were dispatched during the day, only five less than the regular number.

When the habeas corpus case concerning the nonunion men alieged to be held prisoners by the Brooklyn Heights Railroad company came up before Justice Gaynor this afternoon it was shown that the attorney for the strikers had made an error in drawing up his papers. The Justice directed the attorney to correct the papers, and made the writ returnable at 10:30 o clock to-morrow morning.

o'clock to-morrow morning. At strikers' headquarters to-day it was the general opinion that the big strike had about run its course. The strike leaders seemed despondent.

Superintendent Goundie, of the Kings elevated railroad, issued an order to-day directing an increase of 10 per cent. in the pay of all employes whose wages had been reduced. The order goes into effect with the 16th of the month and to be continued until Jan. 31 and longer if the business of the company warrants it.

THE PEOPLE HAVE RIGHTS.

ustice Gaynor Decides the Companies Must Operate Their Lines. BROOKLYN, Jan. 24 .- Justice Gaynor, of the Supreme Court, to-day handed down his decision on the application of Joseph Loader for a mandamus to compel the Brooklyn Heights railroad to operate its cars in sufficient numbers to accommodate the traveling public on the Fulton-street. Putnam-avenue, Green and Gates and the Tompkins-avenue lines. He signifies his intention of granting a mandamus, the form to be determined on the argument of counsel in court to-morrow. Loader, upon whose application the writ of mandamus is issued, is a merchant, who alleges that his business suffers by reason of the failure of the company to operate its lines. Justice Gay-

nor's decision follows: "It is my duty to declare the law of this case. This railroad corporation is not in the position of a mere private individual or company carrying on business for private gain, which may suspend business temporarily or permanently at pleasure. On the contrary, it has a dual relation-a public relation to the people of the State and private one to its stockholders. It must not be forgotten here, though it may seem to be wholly forgotten elsewhere, that in to be wholly forgetten elsewhere, that in its chief aspect it is a public corporation, having duties to perform to the public which transcend any obligation which in its private aspect it owes to its stockholders. It has received franchises of great value from the State and had conferred upon it the State's transcendent power of eminent domain. In return it took upon itself the performances of public duties and functions, in the performance of which it is in law and in fact not an independent individual or entirety, but the accountable agent of the State.

"Though the principles are old and in-

agent of the State.

"Though the principles are old and inherent in the idea of the sovereignty of the people, it would seem that in the rapid growth of corporate power and of the tendency to use public franchises for the aggrandizement of individuals first, and for the service and benefit of the public second, they have come to be somewhat overlooked, and need to be restated. They have often been declared by the highest courts of this State and the Supreme Court of the United States. The duty of the company now before the court is to carry pasthe United States. The duty of the company now before the court is to carry passengers through certain streets of Brooklyn and to furnish men and run cars enough to fully accommodate the public. It may not lawfully cease to perform that duty for even one hour. The directors of a private business company may, as stated, by private greed or motives of private gain, stop business and refuse to employ labor at all unless labor come down to their conditions, however distressing, for such are the existing legal industrial and social conditions. But the directors of a railroad corporation may not do the like; they are not merely accountable to stockholders; they are accountable to the public first, and to the stockholders second. They have duties to the public to perform, and they must perform them. If they cannot get labor to perform such duties, and at the prices they offer to pay, then they must pay more, and as much as is necessary to get it. Likewise, if the conditions in respect of hours or otherwise which they impose repel labor they must adopt more lose repel labor they must adopt more stop their cars for one hour, much less one week, or for one year, thereby t or coerce the price or conditions of labor down to the price or conditions they offer. For them to do so would be a defliance of law and of government, which, becoming general, would inevitably by the force of example lead to general disquiet, to the disintegration of the social order, and even the downfall of government itself. Experience snows the wisdom of our fathers in retaining at least some control of corporations to whom are given public franchises for the performance of public duties. The law of this case was too clearly stated by Justice Cullen to be misunderstood in an application similar to this a few days ago. That learned judge held that the company had made no adequate answer to the case presented against it and only with-held the granting of the writ to give the company more time to conform to the law which he so clearly enunciated, probably which he so clearly endicated, probably in the reasonable scope that would suffice without a resort to the coercive power of the people that lodges in the court. In addition, however, I shall quote from a case decided upon appeal by the Supreme Court in this State in 1883, after mature deliberation and which is an authority which I see tion and which is an authority which I am bound to follow, even though I were not of the same view, and which, I need scarcely say, the corporation now before this cour is bound to acquiesce in and which, I doubt not, it will immediately acquiesce in for example's sake, if for no other reason. That case arose out of the fallure of the New York Central & Hudson River Rail-Company to receive and forward freight as a common carrier. The circuit stances of that strike were reviewed and the court said: 'The court in that case allowed a writ of mandamus to compel the orporation to do its corporate duty."
"That a private citizen has sufficient standing to make this application, which could, unquestionably, be made by the At-torney-general of the State, has heretofore been decided by this court and I must accept it as a law. And it being admitted that the company is not fully operating its lines of road. I feel it my duty to allow the writ prayed for either in its peremptory or

"I do not think the present answer of the company is sufficient to prevent a writ from being issued. The claim of violence amounting to a prevention is not legally made out. Instances of violence, generally by other than the former employes of the company, is shown, but it is also shown that not only the police force of this city, but also over seven thousand soldiers are preserving or-der, and I cannot believe that this com-rany is not protected in its right nor do I think any question of fact is fairly raised on that head. Besides, the persistence of the company in failing to run its cars, except as it may gradually get employes to accept its terms, being in itself unlawful, as I have shown, must necessarily by its bad example, tend to public disquiet if not to

alternative form, unless a sufficient answer has been made in law. As I have said,

the learned judge who heard the previous application, decided that the answer then

made was even insufficient to raise a ques-

order to give the company more time.

fact and only refused the writ in

"In respect to the question of hours and wages between the company and its employes its duty was to have gone on and now is to go on with its full complement of employes having the right gradually and from day to day to sunersede its employes, if it can, by new employes who will work on its terms, or to supersede them all at once when it has obtained a sufficient number of new employes for that purpose, but in such a controversy it has not the right to stop its cars while it is thus gradually getting other men If the people of the State were running these roads they would not thus incommode and damage them-selves; and it must not be forgotten that the corporation is intrusted with the run-ning of these roads as the servant of the people of the State. It therefore only remains for me to determine the form of the writ, whether it shall be peremptory or alternative.

"In one aspect of the case there seems to be an issue of fact presented, and if such an issue be presented, the law does not permit me to decide it, and allow a peremptory writ, but requires to allow an alternative writ, which has the effect of reserving such issue of fact to be tried by At one place in its answer the company avers that a reason why its employes would not continue working for it was 'that i refused to run its cars as required by said employes in respect to the frequency with which cars should be run and the number of cars to be run. The number of cars or trains which a railroad shall run is left to the sound discretion of its directors, subject to railroad by the courts upon an amplication. to review by the courts, upon an application for a writ of mandamus to make them run more if the public convenience requires it. Its employes may not assume to determine the number of cars to be run. If, however, this allegation in the answer refers to the controversy, in respect of what are called tries, then it has no force, for the con-troversy is, in its essence, one in respect of hours and wages. I concur in what Mr. Justice Cullen said in the other case in that respect, namely: 'I do not regard the alleged attempt to abolish "trippers" as interfering with the running or management of the roads, because I imagine the com-pany would be allowed to run as many "trippers" as it chose, if it would only pay the men \$2 a day for running the trips. In that case I imagine there would be no trouble. So that this is really a question of wages. Each party has the right to obtain the best terms, if it can; and, as was said in the freight handlers' case, if the company cannot get men at a price that it said in the freight handlers case, if the company cannot get men at a price that it thinks fair, it is bound to get them at a price it may deem exorbitant, because its duty is to run the road. Such was the disposition of that point by the learned

(Continued on Second Page.)

GUATEMALA'S REPLY TO MEXICO SAID TO BE UNSATISFACTORY.

Cabinet Meeting to Be Held To-Day, at Which It Is Possible War May Be Decided On.

MEXICANS ANXIOUS TO FIGHT

GUATEMALA RELYING ON AID FROM OTHER LITTLE REPUBLICS.

Expects, with the Help if Nicaragua, Salvador and Honduras, to Put 100,000 Men in the Field.

SITUATION ON THE BORDER

TROOPS IN FORCE MARCHING TO-WARD THE DISPUTED BOUNDARY.

Rumor that Consuls Have Already Been Given Their Passports-Landing of Japs Near Wei-Hai-Wei.

CITY OF MEXICO, Jan. 24.-Guatemala's answer to Mexico's ultimatum was received to-night. The Minister of Foreign Affairs told the correspondent that it will be presented formally to the Cabinet and President at 10 a. m. to-morrow. It is stated that Guatemala's answer is to the effect that the territory disputed belongs to her, and if any indemnity is to be paid Mexico owes it to Guatemala. The prospects are that war will be declared to-morrow or

next day. Col. R. C. Pate, the American horseman. has tendered his services to the President, and in case of war he will be appointed to stration of students in the capital, war feeling throughout republic has been wrought up to a high pitch. Reports from many interior points show a rising spirit of patriotism among the majority of the people. Don Emilio De Leon, Guatemalan minister to Mexico, was outside his hotel when the students' procession was moving, and had m excenent opp feelings of the Mexican people on the boundary dispute and the firm stand taken by Mexico. A full report of the proceedings was sent by the Guatemalan representative to President Barrios at Guatemala, and it is said to have created a profound impression in government circles, This city is quiet and orderly, although the effects of the patriotic storm are easily discernable. The volunteer movement is rapidly spreading, and it would evidently be possible to raise, 25,000 volunteers in this city alone within a day or two.

A dispatch from Comitan, State of Chiapas, says: The government has pushed fresh troops into the Guatemalan frontier almost daily, and camp quarters for a large body of men have been arranged for near this place. A few Guatemalans living in this vicinity have quietly left for their native country, and others who are disgusted with the course of President Barrios and the Guatemalan administration have fled to Mexico rather than be pressed into an unwilling service. Reports from the other side of the border are that Guatemala is using every effort to work up feelings of patriotism among the people, in the hope of gaining large reinforcements to continue its bluff against Mexico. When persuggion fails, it is given out that when the government needs men it will press them into service. Nearly every horse within one hundred miles of the border has been secured by one means or another already, and a strenuous effort is being made to secure more. The uncommunicative policy of the Guatemalan government is having a disastrous effect on the public order, and many alarms are constantly felt by the residents of the frontier, fearing invasion of mounted Mexicans. It is generally felt that should war ensue the frontier will be so overrun by troops and pillaging rene-

gades that life will be a burden. A correspondent at Tapachula says: The southern border is in a ferment over the impending hostilities between Mexico and Guatemala. More troops are being centered about the frontier and a heavy movement of people is noticeable on every hand. Fugitives from Guatemalan soil are arriving here almost daily. They number many Guatemalan revolters from the Guatemalan interior, but are, thus far, for the most part, native-born Mexicans who have taken up their residence on Guatemalan territory. Large parties are on their way from Quetzaltenango, northern Guatemala, either afraid to remain in their homes, or coming with the purpose of enlisting against the

government which they leave behind. Acapulco advices say: The report that the armed Mexican corvette Zaragosa had invaded Guatemalan waters and was lying off the harbor of San Jose is not true The school ship was loaded with munitions and provisions of war for Mazatlan, for the supply of the Mexican troops tributary to the ports of San Binito and Santa Cruz, on the southern coast. Having now discharged its commission, it is on its return trip to Mazatlan, where it will await further orders from the Mexican government for the transportation of troops and supplies or any other duties connected with the Guatemalan difficulty.

A Warlike Rumor.

NOGALES, Ariz., Jan. 24.-A Mexican paper, Le Independte, prnted on the Mexican side of the line, this afternoon printed the statement that the Mexican consul in Guatemala had been given passports by the Guatemalan government, thus terminating the friendly relations existing between the governments. It also stated that the secretary of State of Mexico, at the City of Mexico, had notified all consuls of the government of this fact by telegraph. The Mexican consul here denied the truth of the statement and called on the editors of the paper, who have since asked for warrants for his arrest on the charge of assault. They reiterate the truth of the statement published this afternoon and hold that te consul is endeavoring to misrepresent the facts.

Guatemalans Preparing for War. SAN FRANCISCO, Jan. 24.-Consul-general Duran, of Guatemala, has been recalled by President Barrios to take command of a military force in the war which he believes to be impending with Mexico. He has received a dispatch from the Guatemalan War Department confirming Guatemalan War Department confirming the war news and stating that every ablebodied Guatemalan is needed by his government. Duran says that an alliance has finally been formed by Guatemala. Nioaragua. Salvador and Honduras with a joint force of 100,000 mea to march against Mexico. Consul-general A. K. Conri, of Mexico, on the other hand, says there will not be war between Mexico and Guatemala over the existing boundary dispute, which, he says, can and will be settled by dip-